UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/460,045	12/13/1999	KEVIN A. NESMITH	5226-00600	1941

7590 10/19/2004	EXAMINER
DAN R CHRISTEN	COLBERT, ELLA
CONLEY ROSE & TAYON PC	

ART UNIT	PAPER NUMBER
3624	

DAN R CHRISTEN
CONLEY ROSE & TAYON PC
P O BOX 398
AUSTIN, TX 787670398

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _26 July 2003_ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _81-153_ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _81-153_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892) 4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)☐ Notice of Informal Patent Application (PTO-152)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . 6)☐ Other: .

DETAILED ACTION

1.   Claims 81-153 are pending. Claims 1-80 have been canceled previously and

157-159 have been cancelled in this communication filed 07/26/04 entered as

Amendment: Response to Office Action Mailed April 23, 2004.

2.   The objection to the Abstract has been overcome by Applicants' amendment to

the Abstract and is hereby withdrawn.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claim 90 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.   Claim 90 line 6 reads "the user for the security to be traded,

then order preferences presented comprise at least".   This claim limitation is unclear.

Do Applicants' mean "the user for the security to be traded, the order preferences

presented comprise at least" or "the user for the security to be traded, then the order

preferences presented comprise at least"?

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 81-153 are rejected under 35 U.S.C. 103(a) as being unpatentable over

(US 6,505,174) Keiser et al, hereafter Keiser in view of (US 5,297,031) Gutterman et al,

hereafter Gutterman.

With respect to claim 81, Keiser teaches, A method for allowing relatively rapid

entry of securities orders into a computer system, the method comprising: receiving

input comprising at least one generic security order preference (col. 2, lines 57-60); and

storing at least one generic security order preference in a memory (col. 8, lines 25-34

and col. 9, lines 14-20). Keiser failed to teach, automatically using at least one generic

security order preference as a default value in response to a user placing an order for at

least one security for which a security-specific order preference has not been defined.

Gutterman teaches, automatically using at least one generic security order preference

as a default value in response to a user placing an order for at least one security for

which a security-specific order preference has not been defined (col. 4, lines 32-53). It

would have been obvious to one having ordinary skill in the art at the time the invention

was made to automatically use at least one generic security order preference as a

default value in response to a user placing an order for at least one security for which a

security-specific order preference has not been defined and to modify in Keiser because

such a modification would allow Keiser to have a specialist who deals in a particular

stock and who maintains a running list or "book" of offers to sell and orders to purchase

the stock and a computer system that is set to a particular default setting for a security

order.

With respect to claim 82, Keiser teaches, The method of claim 81, wherein receiving input comprising at least one generic security order preference comprises presenting a generic security order preferences window to the user, wherein the generic security order preferences window comprises one or more user interface elements that allow the user to specify at least one generic security order preference for securities for which a security-specific order preference has not been defined (col. 2, lines 60-67 and col. 3, lines 1-7).

With respect 83, Keiser teaches, The method of claim 81, wherein at least one generic security order preference comprises a number of shares to be used as a default if no security-specific default number of shares is defined for a security (col. 5, lines 20-31).

With respect to claim 84, Keiser teaches, The method of claim 81, wherein at least one generic security order preference comprises a dollar amount of a transaction to be used as a default if no security-specific default dollar amount is defined for a security (col. 5, lines 31-40).

With respect to claim 105, Keiser teaches, A system comprising: at least one computer system coupled to a network (col. 8, lines 13-17); at least one memory couple to the computer system; wherein at least one memory comprises program instructions (col. 8, lines 25-29), wherein the program instructions are executable by at least one computer system (col. 8, lines 35-44).

This independent claim is rejected for the similar rationale as given above for claim 81.

With respect to claim 85, Keiser failed to teach, The method claim 81, wherein at least one generic security order preference comprises a limit price to be used as a default if no security-specific default limit price is defined for a security. Gutterman teaches, wherein at least one generic security order preference comprises a limit price to be used as a default if no security-specific default limit price is defined for a security (col. 3, lines 32-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have at least one generic security order preference comprises a limit price to be used as a default if no security-specific default limit price is defined for a security and to modify in Keiser because such modification would allow Keiser to have a price limitation that is specified by the customer that can be executed only at the price specified or at a better price level.

With respect to claim 86, Keiser failed to teach, The method of claim 81, wherein at least one generic security order preference` comprises a trailing stop price to be used as a default if no security-specific default trailing stop price is defined for a security. Gutterman teaches, wherein at least one generic security order preference` comprises a trailing stop price to be used as a default if no security-specific default trailing stop price is defined for a security (col. 4, lines 1-5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have at least one generic security order preference` comprises a trailing stop price to be used as a default if no security-specific default trailing stop price is defined for a security and to modify in Keiser because such a modification would allow Keiser to raise the stop price as the

market price advances in an effort to gain as much as possible from a major move while making certain that they probably lose back only a little of the gain.

With respect to claim 87, The method of claim 81, wherein at least one generic security order preference comprises a stop loss price to be used as a default if no security-specific default stop loss price is defined for a security.

With respect to claim 88, The method of claim 81, wherein at least one generic security order preference comprises a lot indicator to be used as a default if no security-specific default lot indicator is defined for a security.

With respect to claim 89, The method of claim 81, wherein at least one generic security order preference comprises a limit price indicator to be used as a default if no security-specific default limit price indicator is defined for a security.

With respect to claim 90, Keiser teaches, The method of claim 81, further comprising: presenting an order placement window to the user (col. 2, lines 39-44); prompting the user to enter a security symbol of a security to be traded (col. 2, lines 57-67); presenting order preferences received from the user in the order preferences window as default values, wherein if no security-specific order preferences have been received from the user for the security to be traded, then order preferences presented comprise at least one generic order preference (col. 3, lines 1-7).

With respect to claim 91, Keiser teaches, The method of claim 90, further comprising receiving input from the user modifying at least one of the default values to a desired value (col. 4, line 52 –col. 4, line 32).

With respect to claim 92, Keiser teaches, The method of claim 90, further comprising submitting an order for execution based on information in the order placement window (col. 3, lines 1-7).

With respect to claim 93, Keiser failed to teach, The method of claim 90, further comprising sending an acknowledgement to the user upon execution of the order. Gutterman teaches, sending an acknowledgement to the user upon execution of the order (col. 13, lines 33-43).   It would have been obvious to one having ordinary skill in the art at the time the invention was made to send an acknowledgement to the user upon execution of the order and to modify in Keiser because such a modification would allow Keiser to communicate the filled order information to the customer via the electronic order entry system.

With respect to claim 94, Keiser teaches, The method of claim 81, wherein receiving input comprising at least one generic security order preference comprises providing a web page to the user, wherein the web page comprises controls that allow the user to enter at least one generic security order preference (col. 2, lines 39-44 and col. 3, lines 8-24).

With respect to claim 95, this dependent claim is rejected for the similar rationale as above for claim 81.

With respect to claim 96, Keiser teaches, The method of claim 95, wherein receiving input comprising at least one security-specific order preference for at least one security comprises presenting a security-specific order preferences window to the user, wherein the security-specific order preferences window comprises one or more user

interface elements that allow the user to specify at least one security-specific order preference for at least one security (col. 2, lines 57-67).

With respect to claim 97, this dependent claim is rejected for the similar rationale as given above for claim 84.

With respect to claim 98, Keiser teaches, The method of claim 95, wherein at least one security-specific order preference for at least one security comprises a default dollar amount of at least one security to be traded during a transaction (col. 5, lines 20-40 and col. 12, lines 8-13..

With respect to claim 99, this dependent claim is rejected for the similar rationale as given above for claim 85.

With respect to claim 100, this dependent claim is rejected for the similar rationale as given above for claim 86.

With respect to101, this dependent claim is rejected for the similar rationale as given above for claim 87.

With respect to claim 102, this dependent claim is rejected for the similar rationale as give above for claim 88.

With respect to claim 103, this dependent claim is rejected for the similar rationale as given above for claim 89.

With respect to claim 104, Keiser failed to teach, The method of claim 95, further comprising: presenting an order placement window to the user, wherein the order placement window comprises one or more user interface elements that allow the user to override one or more of the security-specific order preferences. Gutterman

teaches, presenting an order placement window to the user, wherein the order

placement window comprises one or more user interface elements that allow the user to

override one or more of the security-specific order preferences (col. 7, lines 15-36, col.

9, lines 43-68, col. 10, line 14- col. 11, line 23, and figures 2a –2d). It would have been

obvious to one having ordinary skill in the art at the time the invention was made to

present an order placement window to the user, wherein the order placement window

comprises one or more user interface elements that allow the user to override one or

more of the security-specific order preferences and to modify in Gutterman because

such a modification would allow Gutterman to have a high-resolution, color, touch-

sensitive display screen for presenting the order to a user and to move rapidly and

easily among the applications.

This dependent claim is rejected for the similar rationale as given above for claim

90.

With respect to claim 106, this dependent claim is rejected for the similar

rationale as given above for claim 82.

With respect to claim 107, this dependent claim is rejected for the similar

rationale as given above for claim 83.

With respect to claim 108, this dependent claim is rejected for the similar

rationale as given above for claim 84.

With respect to claim 109, this dependent claim is rejected for the similar

rationale as given above for claim 85.

With respect to claim 110, this dependent claim is rejected for the similar rationale as given above for claim 86.

With respect to claim 111, this dependent claim is rejected for the similar rationale as given above for claim 87.

With respect to claim 112, this dependent claim is rejected for the similar rationale as given above for claim 88.

With respect to claim 113, this dependent claim is rejected for the similar rationale as given above for claim 89.

With respect to claim 114, Keiser teaches, The system of claim 105, wherein the computer network comprises the Internet (col. 8, lines 15-24).

With respect to claim 115, this dependent claim is rejected for the similar rationale as given above for claim 90.

With respect to claim 116, this dependent claim is rejected for the similar rationale as given above for claim 91.

With respect to claim 117, this dependent claim is rejected for the similar rationale as given above for claim 92.

With respect to claim 118, this dependent claim is rejected for the similar rationale as given above for claim 93.

With respect to claim 119, this dependent claim is rejected for the similar rationale as given above for claim 94.

With respect to claim 120, this dependent claim is rejected for the similar rationale as given above for claim 95.

With respect to claim 121, this dependent claim is rejected for the similar rationale as given above for claim 96.

With respect to claim 122, this dependent claim is rejected for the similar rationale as given above for claim 97.

With respect to claim 123, this dependent claim is rejected for the similar rationale as given above for claim 98.

With respect to claim 124, this dependent claim is rejected for the similar rationale as given above for claim 99.

With respect to claim 125, this dependent claim is rejected for the similar rationale as given above for claim 100.

With respect to claim 126, this dependent claim is rejected for the similar rationale as given above for claim 101.

With respect to claim 127, this dependent claim is rejected for the similar rationale as given above for claim 102.

With respect to claim 128, this dependent claim is rejected for the similar rationale as given above for claim 103.

With respect to claim 129, The system of claim 120, wherein the program instructions are further executable present an order placement window to the user, wherein the order placement window comprises one or more user interface elements that allow the user to override one or more of the security-specific order preferences.

With respect to claim 130, Keiser further teaches, a carrier medium to perform the steps of this independent claim and the dependent claims 131-133 in col. 8, lines

29-34. This independent claim is rejected for the similar rationale as given above for claim 81.

With respect to claim 131, this dependent claim is rejected for the similar rationale as given above for claim 82.

With respect to claim 132, this dependent claim is rejected for the similar rationale as given above for claim 83.

With respect to claim 133, this dependent claim is rejected for the similar rationale as given above for claim 84.

With respect to claim 134, this dependent claim is rejected for the similar rationale as given above for claims 85 and 109.

With respect to claim 135, this dependent claim is rejected for the similar rationale as given above for claims 86 and 110.

With respect to claim 136, this dependent claim is rejected for the similar rationale as given above for claims 87 and 111.

With respect to claim 137, this dependent claim is rejected for the similar rationale as given above for claims 88 and 112.

With respect to claim 138, this dependent claim is rejected for the similar rationale as given above for claims 89 and 113.

With respect to claim 139, this dependent claim is rejected for the similar rationale as given above for claims 90 and 115.

With respect to claim 140, this dependent claim is rejected for the similar rationale as given above for claims 91 and 116.

With respect to claim 141, this dependent claim is rejected for the similar rationale as given above for claims 92 and 117.

With respect to claim 142, this dependent claim is rejected for the similar rationale as given above for claims 93 and 118.

With respect to claim 143, this dependent claim is rejected for the similar rationale as given above for claims 94 and 119.

With respect to claim 144, this dependent claim is rejected for the similar rationale as given above for claims 95 and 120.

With respect to claim 145, this dependent claim is rejected for the similar rationale as given above for claims 96 and 121.

With respect to claim 146, this dependent claim is rejected for the similar rationale as given above for claims 84, 97 and 122.

With respect to claim 147, this dependent claim is rejected for the similar rationale as given above for claims 98 and 123.

With respect to claim 148, this dependent claim is rejected for the similar rationale as given above for claims 85, 99 and 124.

With respect to claim 149, this dependent claim is rejected for the similar rationale as given above for claims 86, 100 and 125.

With respect to claim 150, this dependent claim is rejected for the similar rationale as given above for claims 87, 101 and 126.

With respect to claim 151, this dependent claim is rejected for the similar rationale as given above for claims 88, 102 and 127.

With respect to claim 152, this dependent claim is rejected for the similar rationale as given above for claims 89, 103 and 128.

With respect to claim 153, this dependent claim is rejected for the similar rationale as given above for claims 90, 104 and 129.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Higgins (US 5,270,922) disclosed displaying financial market data.

Stallaert et al (US 6,035,287) disclosed submitting trade orders or bundles or open orders.

Black et al (US 6,012,042) disclosed a security analysis system.
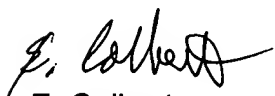
Inquiries

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday from 6:30 am -5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-308-

1113.

E. Colbert
October 16, 2003